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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANNIVERSARY MINING CLAIMS, L.L.C.,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 2:19-cv-458-JCM-DJA

**DEFENDANTS' UNOPPOSED MOTION
TO EXTEND DEADLINE TO RESPOND
TO AMENDED COMPLAINT
(ECF No. 53)**

Defendants respectfully move for an extension of time to file a response to Plaintiff's Amended Complaint (ECF No. 53). Specifically, Defendants respectfully request that the deadline for filing a response to the Amended Complaint be extended by one month, from September 8, 2021 to October 8, 2021. The parties have conferred, and Plaintiff does not oppose this request. This request is made for good cause as follows:

- 1 1. On June 2, 2021, the Court of Appeals for the Ninth Circuit issued a memorandum
2 affirming in part and dismissing in part this Court's decision dismissing Plaintiff's
3 complaint with prejudice and denying its motion for reconsideration. Memorandum of
4 USCA, ECF No. 49.
- 5 2. The Ninth Circuit affirmed the dismissal of Plaintiff's complaint, *id.* at 3-4, but remanded
6 the case to this Court to allow Plaintiff to assert a single cause of action under the Quiet
7 Title Act ("QTA") alleging an easement by necessity arising out of the 1952 condemnation
8 or for easements arising out of other severances. *Id.* at 5.
- 9 3. Plaintiff filed an amended complaint on August 25, 2021 asserting a single cause of action
10 arising under the QTA. Amended Complaint, ECF NO. 53. The Amended Complaint
11 raises new allegations pertaining to the 1952 condemnation. *See id.* at ¶¶ 31-33.
- 12 4. Defendants' response to the Amended Complaint is due September 8, 2021. Fed. R. Civ.
13 P. 15(a)(3).
- 14 5. Undersigned counsel has consulted with the Defendant agencies, which indicate that they
15 will need a few additional weeks to look into the new allegations so that Defendants can
16 prepare their defense.
- 17 6. Defendants therefore request an extension of one month, *i.e.* until October 8, 2021, to file a
18 response to the complaint.
- 19 7. Plaintiffs do not oppose this request to extend Defendants' deadline to October 8, 2021 to
20 file a response to the Amended Complaint.
- 21 8. This request is brought for good cause and not to delay the proceedings in this case.

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23 For all of the foregoing reasons, Defendants respectfully request that the Court grant this
24 motion and extend, until October 8, 2021, Defendants' deadline to file their response to the
25 Amended Complaint.

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27 Dated: September 1, 2021

TODD KIM
Assistant Attorney General

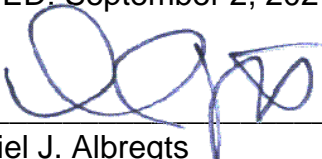
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12 *Attorneys for Federal Defendants*

13 **ORDER**

14 The Court finds good cause to grant the unopposed motion. IT IS HEREBY
15 ORDERED that Defendants shall have until October 8, 2021 within which to file
16 their response to the amended complaint.

17 DATED: September 2, 2021

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20 Daniel J. Albregts
21 United States Magistrate Judge
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